

July 20 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**IN THE SUPREME COURT OF THE STATE OF MONTANA****Cause No. DA 10-0290**

GEORGE COZINO and
DEBORAH ANN COZINO,

Petitioners and Appellees,

FILED

v.

JUL 20 2010

GLENN ROYCE JONES,

*Ed Smith*CLERK OF THE SUPREME COURT
STATE OF MONTANA

Respondent and Appellant.

**PETITIONERS/APPELLEES' MOTION TO DISMISS THIS
COURT'S ORDER OF MEDIATOR APPOINTMENT**

On Appeal from the District Court of the Eighth Judicial District
Cascade County, State of Montana
Hon. Thomas M. McKittrick, Presiding
Cause No. ADR-10-306

APPEARANCES:

Alexander (Zander) Blewett, III
Anders Blewett
HOYT & BLEWETT PLLC
501 2nd Avenue North
P.O. Box 2807
Great Falls, MT 59403-2807
Office: (406) 761-1960
Fax: (406) 761-7186
E-mail:
zblewett@hoytandblewett.com
ablewett@hoytandblewett.com

Nathan J. Hoines
HOINES LAW OFFICE, P.C.
401 3rd Avenue North
P.O. Box 829
Great Falls, MT 59403-0829
Office: (406) 761-0996
Fax: (406) 761-3856
E-mail:
hoinelawoffice@yahoo.com

Attorney for Respondent/Appellant

Attorneys for Petitioners/Appellees


For the past two years George Cozino and his wife, Deborah Cozino, have been relentlessly harassed, intimidated, and threatened by Glenn Royce Jones. Mr. Jones has admitted to the district court that he has, on a number of occasions, exposed his genitals to Mrs. Cozino in public places. This persistent persecution has severely disrupted the Cozinos' lives and impacted their ability to enjoy their own home. After the Cozinos petitioned the district court for relief, the district court issued a Permanent Order of Protection in which the district court ordered Mr. Jones to remain at least 1,500 feet from the Cozinos and to refrain from harassing, annoying, or threatening the Cozinos in any way. On June 15, 2010, Mr. Jones, represented by Nathan Hoines, filed a Notice of Appeal regarding the Order Granting Permanent Order of Protection, dated May 20, 2010, in Cause No. ADR-10-306. In his Notice of Appeal, Mr. Jones mistakenly stated that Rule 7 of the Montana Rules of Appellate Procedure requires mandatory appellate alternative dispute resolution for appeals involving permanent orders of protection. This Court then ordered Mr. Michael H. Keedy to mediate this appeal. Mr. Keedy has indicated he requires a payment of \$2,500.00 from both parties prior to the mediation. Rule 7 of the Montana Rules of Appellate Procedure requires mediation for appeals involving workers compensation, domestic relations, and money judgments, but it does

not require mediation for appeals involving orders of protection. The Cozinos would like to enforce the order of protection issued by the district court, but they should not be forced to spend \$2,500.00 on a mediation which is not required by law. Appellees, George Lee and Deborah Ann Cozino, move this Court to dismiss the Order of Mediator Appointment accordingly.

Counsel for Appellant has indicated he objects to Appellees' Motion to Dismiss this Court's Order of Mediator Appointment.

DATED this 19th day of July, 2010.

HOYT & BLEWETT PLLC

By: 
Alexander (Zander) Blewett, III
Anders Blewett
P.O. Box 2807
Great Falls, MT 59403-2807

Attorneys for Petitioners/Appellees

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CERTIFICATE OF SERVICE


I hereby certify that, on this 19th day of July, 2010, a copy of the foregoing document was served on the following persons by the following means:

____ CM/ECF
____ Hand Delivery
1, 2 Mail
____ Overnight Delivery Service
____ Fax
____ E-Mail

1. Clerk, Montana Supreme Court
2. Nathan J. Hoines
HOINES LAW OFFICE, P.C.
401 3rd Avenue North
P.O. Box 829
Great Falls, MT 59403-0829

Attorney for Respondent/Appellant

HOYT & BLEWETT PLLC

By: 

Alexander (Zander) Blewett, III
Anders Blewett
P.O. Box 2807
Great Falls, MT 59403-2807

Attorneys for Petitioners/Appellees